

ORDINANCE NO. Z-12-08-09-H1

AN ORDINANCE AMENDING ORDINANCE NO. Z-08-11-13-11C13, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON NOVEMBER 13, 2008, BY AMENDING SECTIONS II.6, II.6.2 (2), II.8.1(1)(e), II.8.1(1)(f) AND II.16 OF THE DEVELOPMENT PLAN OF PUD NO. 84, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on November 13, 2008, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-08-11-13-11C13, which established PUD No. 84, and

WHEREAS, on July 22, 2010, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-10-07-22-9A1 to amend Sections II.6.1(5)(a), II.8.1(1), II.8.1(2)(c)(ii), II.8.1(3)(c), II.8.1(4)(c), II.8.1(5)(c), II.8.1(6)(c), II.8.1(7)(c), and II.8.1(16)(c) of the Development Plan of PUD No. 84 (Amendment No. 1), and

WHEREAS, the City and Avery Centre DevCo, Inc. ("Owner") agreed to an Administrative Amendment (Amendment No. 2), as defined in Section 19.a. of PUD No. 84, such amendment filed as Document No. 2010059641 with the County Clerk of Williamson County, Texas, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to amend Sections II.6, II.6.2(2), II.8.1(1)(e), II.8.1(1)(f) and II.16 of the Development Plan of PUD No. 84, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-08-11-13-11C13 on the 25th day of July, 2012, following lawful publication of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that Ordinance No. Z-08-11-13-11C13 be amended, and

WHEREAS, on the 9th day of August, 2012, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-08-11-13-11C13, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-08-11-13-11C13 promotes the health, safety, morals and general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Sections 46-92 and 46-106, Code of Ordinances, 2010 Edition, City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That the City Council hereby determines that the proposed amendment to Planned Unit Development (PUD) District #84 meets the following goals and objectives:

- (1) The amendment to P.U.D. #84 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #84 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) The amendment to P.U.D. #84 does not have an undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.

II.

That Section II.6. of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

6. PERMITTED USES

The following table contains the uses allowed according to the use district boundaries described in **Exhibit "C"**. Unless otherwise indicated, the definitions of all terms used to describe uses in this document shall be those found in the Zoning Code of the City of Round Rock, as amended.

Land Use Table

Use	District Allowed	Maximum Number within PUD	Conditional Use
Multi Family Residential (including apartments and condos)	1,2,3,4,6,7,8,9		X
Townhouse Residential	1,2,3,4,6,7,8,9		X
Single Family Detached	3,4,8,9		X
Accessory Dwelling			X
Single Family Zero Lot Line	3,4,8,9		X
Upper Story Residential	1,2,3,6,7,9		
Library	1,2,6,7,9		
Community Service	1,2,6,7,8,9		
Government Facilities	1,2,6,7,9		
Linear/Linkage Park	1,2,3,4,5,6,7,8,9		
Neighborhood Park	1,2,3,4,5,6,7,8,9		
Community Park	3,4,7,8,9		
Amenity/Recreation Center	1,2,3,4,6,7,8,9		X
Place of Worship (accessory uses not exceeding 2,500 square feet)	1,2,3,4,6,7,8,9		X
Place of Worship (accessory uses exceeding 2,500 sq. ft. but not greater than 10,000 sq. ft.)	3,4,6,7,8,9		X
Place of Worship (accessory uses not exceeding 20,000 square feet)	3,4,6,7,8,9		X
Utility (Minor and Intermediate)	1,2,3,4,5,6,7,8,9		
Commercial Parking	1,2,3,6,7		X
Eating Establishments	1,2,3,6,7,9		X
Bar or Tavern	1,2,6,7		
Indoor Entertainment	1,2,6,7		
Outdoor Entertainment	2,5,6,7	2	
Amphitheater			
Live/Work Units	1,2,3,6,7,9		X
Office	1,2,3,6,7		X
Office/Medical	1,2,3,6,7		X
Overnight Accommodations – Hotel / Motel	1,2,6,7	2	X
Retail Sales and Service (except the uses listed below)	1,2,3,6,7,9		X
Grocery	2,6,7		X

Bank	1,2,3,6,7,9		X
Veterinarian	1,6,7		X
Dog Day Care and Training Facilities	1,6,7	3	X
Fuel Sales	3,6,9	3	X
Cleaners/Alterations	1,2,6,7		X
Vehicle Sales/Rental/Leasing	1,6,7	2	X
Garden Center	2,6,7,9		X
Assisted Living	1,3,6,9	2	X
Nursing Home	1,3,6,9	2	X
Day Care	3,6,7,8,9		X
Schools (Elementary, Private)	3,8,9		X
Passenger Terminal	7	1	
Bed and Breakfast	6,7		
Carwash	6	1	
Self Storage	6	1	X
Bus Stops	1,2,3,4,5,6,7,8,9		
Research and Development	8	2	X
Hospital	1	1	

III.

That Section II.6.2(2) of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

- (2) Minimum Amount of Non Residential Square Footage within the MU Use Districts (Nos. 1, 2, 3, 6, 7 and 9)

A minimum of one (1) million square feet of non-residential building space shall be constructed within the MU Use Districts (Nos. 1,2,3,6,7 and 9) taken together.

IV.

That Section II.8.1(1)(e) of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

- (e) Rear setback to residential buildings is 20 feet; rear setback to garage from alley is 10 feet.

V.

That Section II.8.1(1)(f) of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

- (f) For single family detached units, a side setback of 0 feet is allowed only for internal attached units with a common wall. End units shall have a 10 foot side setback. Detached multi-units have a 5 foot setback.

VI.

That Section II.16 of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to include the following:

Hospital: A facility designed for the provision of medical or surgical services on an in-patient or out-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, and visitors. Inpatient or outpatient medical services dedicated to alcohol and/or drug abuse rehabilitation, or involuntary admissions for psychiatric care or mental illness are specifically prohibited.

VII.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 9th day of August, 2012.

Alternative 2.

READ and **APPROVED** on first reading this the ____ day of _____, 2012.

READ, APPROVED and **ADOPTED** on second reading this the ____ day of _____, 2012.









ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk

PUD LEGEND

LAND USE	AREA
 Residential	308.6 AC.
 Mixed Use	541.2 AC.
 Floodplain/Open Space Reserve/R.O.W.	57.9 AC.
TOTAL	907.7 AC.
 Potential Location of Proposed Research and Development	
 Roadway per City Transportation Plan	
 MOKAN Railroad Corridor	

*Includes area of existing lakes

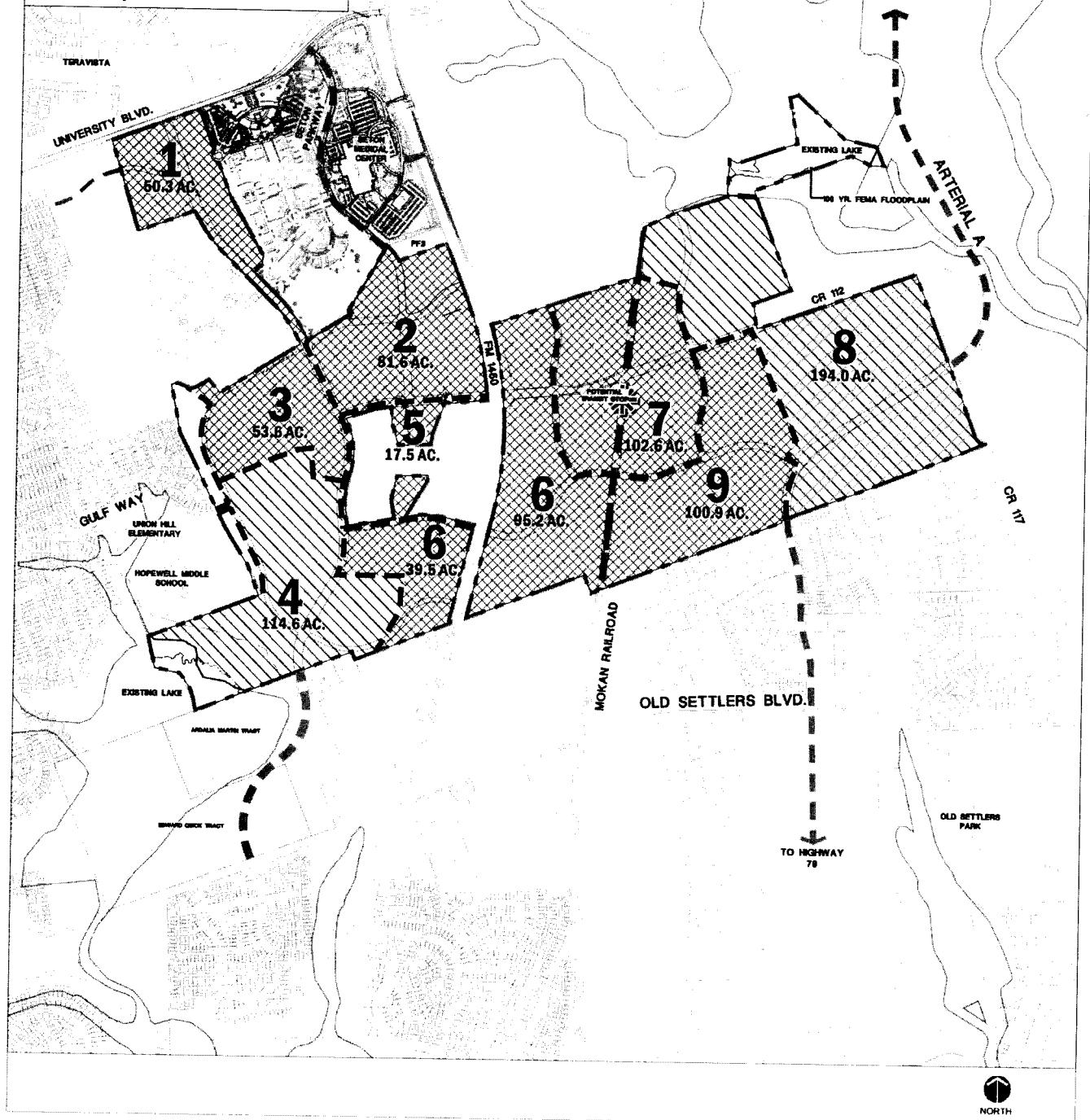
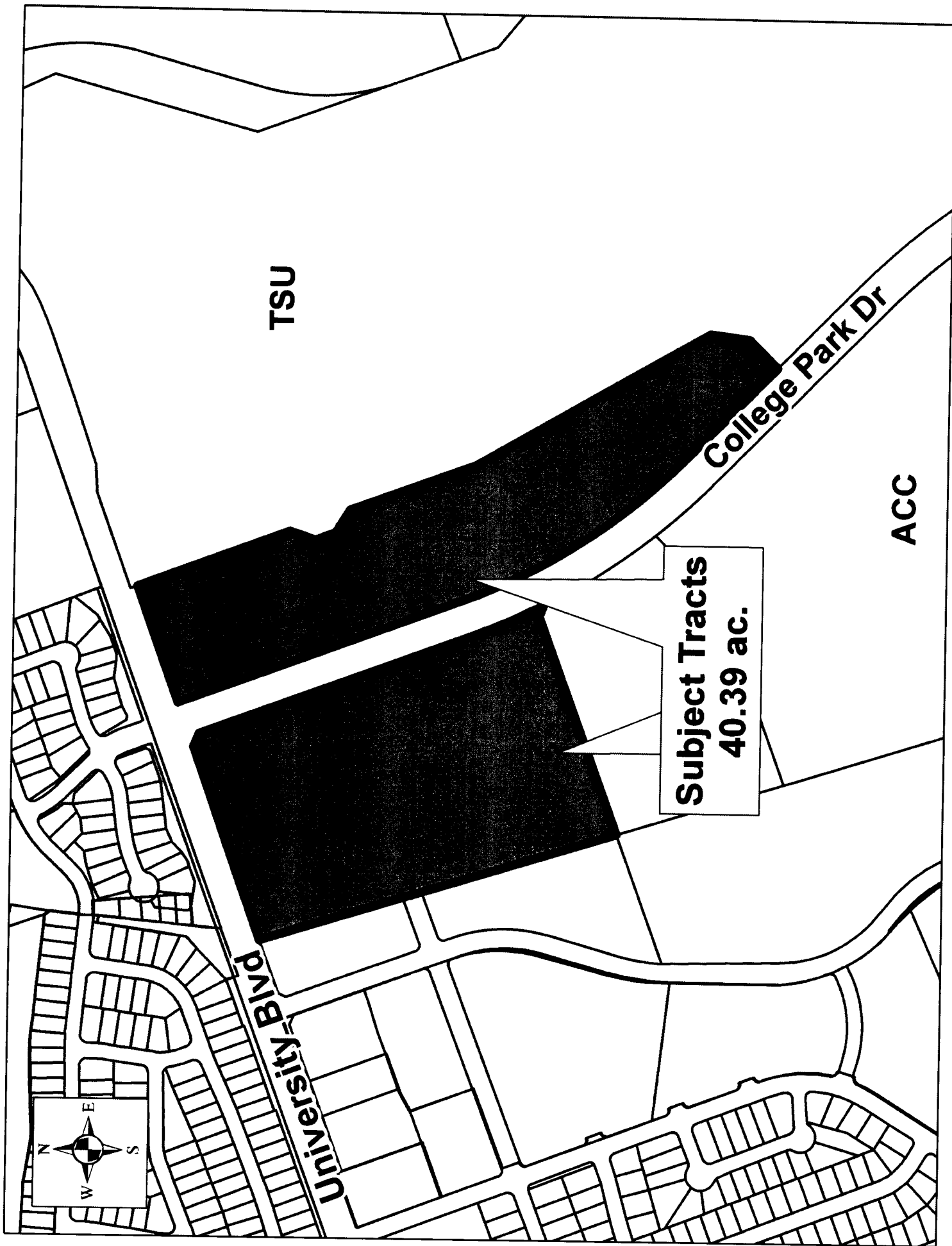


EXHIBIT "C"





City Council Agenda Summary Sheet

Agenda Item No.	H1.
Agenda Caption:	Consider public testimony regarding and an ordinance approving Amendment No. 3 to the Planned Unit Development (PUD) No. 84 zoning district to allow a hospital on approximately 40.39 acres. (First Reading)
Meeting Date:	August 9, 2012
Department:	Planning and Development Services
Staff Person making presentation:	Peter Wysocki
	Planning and Development Services Director

Item Summary:

PUD 84 (Avery Centre) was approved in 2008 and contains approximately 907 acres of residential and mixed use development. The PUD establishes two land use categories: Mixed Use and Residential. The Mixed Use category allows residential, commercial and office development, while the Residential category allows either single family detached homes or townhouses. Design standards for the development include an emphasis on build-to lines and pedestrian accessibility. Developments located adjacent to the PUD boundaries include a university campus, a community college campus, a health science university campus and a hospital.

The PUD contains nine land use areas. The proposed amendment affects one of these use areas, Use District 1, approximately 40.39 acres, which allows for commercial and residential land uses. The amendment would add a non-psychiatric hospital as an allowable land use to this Use District. This amendment is being requested by the landowner in order to facilitate a new hospital that is considering to purchase and to construct a facility in District 1 of the PUD.

In addition, two clarifications to the language describing the general regulations of the PUD are requested by the landowner and supported by staff. The first clarifies that the minimum amount of non-residential square footage required in the entire development is to be calculated using all of the mixed use districts together (please see Section III of the ordinance). The second clarifies that setbacks for residential development in the mixed use districts apply only to residential development (please see Sections IV and V of the ordinance).

The Planning and Zoning Commission unanimously recommended approval of this PUD amendment at their July 25, 2012 meeting.

Cost:	N/A
Source of Funds:	N/A
Date of Public Hearing (if required):	N/A
Recommended Action:	Approval